

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA

v.

MATTHEW TUNSTALL

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CAUSE NO. 1:21-CR-00223-LY

**DEFENDANT'S UNOPPOSED MOTION TO CONTINUE SENTENCING**

**TO THE HONORABLE JUDGE YEAKEL, UNITED STATES DISTRICT JUDGE FOR  
THE WESTERN DISTRICT OF TEXAS:**

Defendant, Matthew Tunstall ("Mr. Tunstall"), by and through counsel, files this

Unopposed Motion to Continue Sentencing and in support shows the following:

**I.**

Defendant and defense counsel are preparing for sentencing but need additional time to adequately prepare and complete tasks before sentencing. Defendant requests that the Court continue sentencing by at least 30 days.

**II.**

Mr. Tunstall's sentencing hearing is currently set for **March 10, 2023**. Mr. Tunstall's co-defendants' sentencing hearings are currently set for **March 10, 2023** (Mr. Reyes), and **April 20, 2023** (Mr. Davies).

**III.**

Undersigned counsel requests that Mr. Tunstall's sentencing hearing be extended by at least thirty (30) days for the following reasons:

1. **Defense counsel has a trial on March 20, 2023, that will interfere with effective preparation for Mr. Tunstall's sentencing hearing.** As the Court is aware, defense counsel is set for trial in the Western District of Texas on March 20, 2023. Due to that impending trial and in light of counsel's other obligations, counsel's time will be dedicated to preparing for trial beginning in early March. Given the proximity of that trial to Mr. Tunstall's current setting, counsel will be unable to devote necessary time and resources to Mr. Tunstall's sentencing preparation.

2. **Defense counsel and defendant are engaging in necessary preparation for sentencing and need additional time.** Defendant and defense counsel are continuing to prepare for sentencing yet need additional time to complete additional tasks related to sentencing.

3. **The government is unopposed to the continuance.** Counsel for Mr. Tunstall conferred with counsel for the United States about the relief requested in this motion. The government is unopposed to the continuance.

#### IV.

For the Court's convenience, counsel has scheduling conflicts on the following dates in April:

**Government** – April 11, 12, 13, 25, 26, 27

**Defense** – None.

**WHEREFORE, PREMISES CONSIDERED,** Defendant requests that the Court continue sentencing in this matter by at least thirty (30) days.

Respectfully submitted,

**SUMPTER & GONZÁLEZ, L.L.P.**  
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By: /s/ Worth Carroll  
Worth Carroll  
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**ATTORNEY FOR DEFENDANT**  
**MATTHEW TUNSTALL**

**CERTIFICATE OF SERVICE**

By my signature below, I do hereby certify that on February 14, 2023, a true and correct copy of the foregoing Unopposed Motion to Continue Sentencing was filed using the Court's electronic filing system, which will provide notice to all parties of record.

/s/ Worth D. Carroll  
Worth Carroll

**CERTIFICATE OF CONFERENCE**

Undersigned counsel discussed his request for an extension with counsel for the United States, and the government is unopposed to the requested extension.

/s/ Worth D. Carroll  
Worth D. Carroll

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**ORDER**

CAME ON for hearing on \_\_\_\_\_ February, 2023, the foregoing Defendant's Unopposed Motion to Continue Sentencing, and the Court finds that for the reasons stated in the Defendant's motion, the ends of justice served by the continuance outweigh the best interest of the public and the Defendant in a speedy trial.

The Court further finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), that the period of delay resulting from this extension shall be excluded in computing the time within which the trial must commence under the Speedy Trial Act.

**IT IS THEREFORE ORDERED THAT** the sentencing hearing in this cause is continued until the \_\_\_ day of \_\_\_\_\_ 2023.

SIGNED on \_\_\_\_\_ February, 2023.

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JUDGE YEAKEL